

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 10-127 (JNE/AJB)

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	ORDER
v.	:	
LAQUAN TRAVEON FAIR,	:	
Defendant.	:	

This matter is before the Court on the Government's Motion seeking an Order recognizing that Defendant Laquan Traveon Fair has waived the attorney-client privilege with respect to his communications with trial counsel on the subjects of his criminal history, his status as an Armed Career Criminal, and a post-sentencing appeal. Defendant has filed a Motion with the Court challenging his sentence as an Armed Career Criminal as well as the effectiveness of his trial counsel. In deciding that Motion, the Court will benefit from the facts known to trial counsel. Consequently, it is hereby ordered that attorney Andrea George, Defendant's trial counsel, is authorized and directed to provide to the Court in the form of an affidavit and/or testimony, information which will aid the Court's resolution of the Defendant's Motion brought under 28 U.S.C. § 2255. The affidavit and/or testimony shall be directly responsive to the allegations raised by Defendant.

It is well settled that a defendant who attacks the competence of his attorney in a proceeding waives the attorney-client

privilege. Tasby v. United States, 504 F.2d 332, 336 (8th Cir. 1974). In Thompson v. United States, 7 F.3d 1377, 1378 (8th Cir. 1993), the court used the affidavits of former counsel to refute claims of ineffective assistance.

Ms. George does not currently represent Defendant. Moreover, Defendant has waived his attorney-client privilege by challenging trial counsel's effectiveness, and Defendant's position with regard to counsel is now adversarial. Counsel is thereby ordered to respond as directed.

Dated: March 14, 2012

s/ Joan N. Ericksen
The Honorable Joan N. Ericksen
United States District Judge